

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MAURICE CORTEZ MARTIN,

Petitioner,

-vs-

CASE NO. 06-10024
CRIM. NO. 02-80658

UNITED STATES OF AMERICA,

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Respondent.

/

ORDER DENYING CERTIFICATE OF APPEALABILITY

On March 29, 2007, Magistrate Judge issued a Report and Recommendation (“Report”) favoring the denial of Petitioner Maurice Cortez Martin’s Motion to Vacate, Set Aside, or Correct his Sentence pursuant to 28 U.S.C. § 2255. On May 24, 2007, Petitioner filed Objections to the Report. This Court adopted the Report and Recommendation and denied Petitioner’s Objections on August 1, 2007. On August 23, 2007, Petitioner filed a Notice of Appeal with the Sixth Circuit Court of Appeals.

Under 28 U.S.C. § 2253, a court must assess whether to grant the issuance of a certificate of appealability to Petitioner’s claims. *Castro v. United States*, 310 F.3d 900, 903 (6th Cir. 2002) (finding the § 2253 analysis may be done at the time a claim for relief is determined.) Pursuant to § 2253, and the Supreme Court decisions in *Slack v. McDaniel*, 529 U.S. 473 (2000) and *Barefoot v. Estelle*, 463 U.S. 880, 893 (1983), the certificate of appealability will issue if the resolution of the petition is debatable among reasonable jurists.

Upon review of this action, the Court concludes that reasonable jurists would not find Petitioner’s claims debatable with respect to the substantive basis for denying relief as to any issue

asserted. Therefore, a certificate of appealability is **DENIED** as to all issues.

SO ORDERED.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: January 3, 2008

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on January 3, 2008.

s/Denise Goodine

Case Manager